

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

STEVEN JACOB GOLDMANN,

Case No. 17-cv-4151-DWF-KMM

Plaintiff,

v.

REPORT AND  
RECOMMENDATION

JANELL MEHLHOFF, CNP, Medical  
Provider Sherburne Co.; DIANA  
VANDERBEEK, RN CCHP-RN,  
Sherburne County Sheriff's Department;  
BRIAN FRANK, Jail Administrator;  
THOMAS ZERWAS, Jail Captain;  
JOEL L. BROT'T, Sheriff Sherburne  
County; SHERBURNE COUNTY  
SHERIFF'S DEPARTMENT; and PAT  
CARR, Jail Commander,

Defendants.

Plaintiff Steven Jacob Goldmann brings this action for alleged deliberate indifference to his medical needs by officials at the jail where he was incarcerated at the time he initiated this action. By separate order, this Court will grant Mr. Goldmann's application to proceed *in forma pauperis* ("IFP") and direct that service be effected as to all but one of the defendants named in the complaint.

Under 28 U.S.C. § 1915A, however, this Court is authorized to review complaints in which a prisoner seeks redress from a governmental entity, and the Court may dismiss any portion of the complaint that fails to state a claim upon which relief

may be granted. Among the defendants named in the complaint is the Sherburne County Sheriff's Department. But sheriff's departments — as opposed to the persons employed by those departments — are not amenable to suit. *See De La Garza v. Kandiyohi Cnty. Jail, Correctional Institution*, 18 Fed. App'x 436, 437 (8th Cir. 2001) (per curiam). Accordingly, Mr. Goldmann cannot maintain his claims against the Sherburne County Sheriff's Department itself, and it will be recommended that the department be dismissed from this action at the outset.

### RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED THAT defendant Sherburne County Sheriff's Department be SUMMARILY DISMISSED pursuant to 28 U.S.C. § 1915A.

Date: October 11, 2017

s/ Katherine Menendez

Katherine Menendez

United States Magistrate Judge

### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those

objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).